



## APPENDIX A.

### Section 108, Chapter 6772, Laws of Florida, 1913.

Sec. 108. Assessments.—The City of St. Petersburg is hereby authorized to grade, pave, repave, curb, gutter, wall, bridge, gravel, academize, plank, and repair any street or avenue, alley or highway; to grade, improve, protect and ornament any public park, square or grounds; to plant and protect shade or ornamental trees on the streets and avenues; to construct, lay, relay and repair sidewalks, retaining walls, gutters, sewers, and drains, and to build sea-walls, docks, quays, bridges, warehouses, deep water harbors and to drain swamps, marshes, low grounds and to fill in low grounds; and the whole or any part of the expense of such improvement may be defrayed by an assessment upon the real estate benefitted thereby in proportion to such benefits without regard to cash valuation.

The Board of Commissioners of the City of St. Petersburg shall by ordinance create special assessment districts and shall assess against the property within such special district, such amounts as will be necessary to defray the expenses for any improvement above mentioned or it may assess the same against abutting property in proportion to frontage of said property on the improvement. The Board of Commissioners, as soon as assessment is made by ordinance, shall issue certificate of indebtedness for the amounts as assessed, and separate certificates shall be issued against each tract of land assessed containing a description of the land and the amount of the assessment together with the general nature of the improvement for which the assessment is made and the date thereof, which shall constitute and become a prior lien to all other liens, except taxes. The said certificate

shall be payable to owner, or his assignee. Said assignment of certificate must appear upon the certificate itself and also upon the books of the City in order that the assignment shall be legal, and binding. The certificate shall carry interest at a rate not greater than eight per cent per annum, said amount to be fixed by the Board of Commissioners and payable annually from the day of the completion of said work or improvement and acceptance thereof; the payment of the certificates shall run for one, two, three, four and five years, such certificate and annual interest thereon shall be guaranteed by the City of St. Petersburg, Florida, and in case of nonpayment of annual interest or principal at maturity by the property owner, the same shall be redeemed by the City at the option of the *bona fide* holder of said certificate, but such redemption by the City shall not discharge the lien or assessment against the said property. The certificates when issued shall be turned over to the Treasurer of the City, but when ordered to do so by direction of the Board of Commissioners, may sell or dispose of the same and in such manner as may be approved by such resolution in payment of such work or improvement or for cash; provided, however, that the owner of the property against which the assessment is made shall have the option to pay the entire amount of such assessment in cash upon notice of his intention so to do given before 30 days after the completion of work, in which event, the certificates to be issued or lapse of 30 days from completion of work for said assessment shall be redeemed and cancelled.

In all the cases mentioned in this Act where the City of St. Petersburg has acquired or may hereafter acquire, liens for improvements, such liens of any of them may be enforced in the following manner by the said City or in the name of by the holders; first by a bill in equity; second, by a suit at law. The bill in equity or the declaration at law shall state briefly and succinctly the facts

constituting the lien, the amount and the description of the property on which said lien has been acquired and shall contain a prayer that the owner be compelled to pay the amount of said lien or in default thereof that said property shall be sold to satisfy the same. But the judgment or decree obtained in said suit shall not be enforced against or be a lien upon any other property than that against which the assessment was made; that in the decree or judgment as the case may be for the enforcement and collection of the amount for which said lien was given, decree or judgment shall also be rendered for a reasonable attorney's fee not to exceed ten per cent on the amount of the recovery, together with the costs of the proceedings, which attorney's fee and costs shall also become a lien upon said land and shall be collected at the time and in the manner provided for the collection of the amount for which the lien was originally given. But in no event shall the city be liable for the payment of the attorney's fee herein provided for.

In the proceedings provided for in the preceding section the owner or owners of the land if they can be ascertained shall be parties defendant. If the owner or owners cannot be ascertained after diligent inquiry the proceedings shall be against the property on which the lien is claimed without mentioning any party as defendant. In such case service shall be had by a notice of the institution of said suit for the enforcement of such a lien by advertisement in a newspaper published in the City of St. Petersburg once a week for four consecutive weeks, Provided, That if there be no newspaper published in the said City of St. Petersburg then such notice may be published in any newspaper published in said County; Provided, That before such service shall be had the complainant or plaintiff, as the case may be, his agent or attorney shall make affidavit and file with the bill in chancery or the declaration at law setting forth the fact that the owner or owners of such property are unknown

to him. In all proceedings to enforce said liens or any of them, save in cases where the owner or owners cannot be ascertained, service shall be made on the parties defendant in the same manner as is provided by law for service in other cases. In such proceedings appeals and writs of error may be taken to the proper Appellate Courts as in other cases. The Appellate Court shall on a motion of either party advance such cause out of their regular order and try and determine the same as early as possible.

